THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 12248 of 2007

14-06-2007

Between:

G. Jayaramaiah and three others.

Petitioner

And

District Collector,
Nellore district, Nellore and five others.

Respondents

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 12248 of 2007

Oral Order:

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

The first petitioner's father and the grandfather of petitioner Nos. 2 to 4 one G. Chengaiah claims to be the owner and to have been in possession of the lands ad-measuring 05-59 cents in survey No.319/4 situated in Menakuru village, Nayudpet mandal, Nellore district. On the death of G. Chengaiah, the petitioners claim to be

enjoying the property.

The first respondent by a notification dated 22-07-2006 published in the Telugu newspapers on 26-07-2006 notified the lands in question for acquisition under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') for the purpose of developing an industrial park by the Andhra Pradesh Industrial Infrastructure Corporation. In the notification relating to the land aforementioned, the names of respondent Nos. 5 and 6 are stated to have been reflected as being the owners and persons interested. This was done allegedly by sub-division of survey Nos. 319/4 into 319/4A and 319/4B. The petitioners assert that there was never any sub-division and that they are in possession and are enjoying the property on inheritance. Declaration under Section 6 of the Act has also been issued on

31-08-2006. Petitioners claim ignorance of the above two notifications at the time of their respective issues, but to have become aware of these notifications later. As they have an interest in the lands in question, the petitioners got issued a lawyer's notice dated 15-05-2007 to the respondent Nos. 1 to 4 claiming ownership and entitlement to compensation and calling upon the addressed respondents not to grant compensation to the respondent Nos. 5 and 6.

The petitioners allege that the official respondents

are now proceeding to pay the compensation amount by way of cheques to the respondent Nos. 5 and 6. The writ petition is totally silent as to whether an award has been passed. Learned counsel for the petitioners at the admission hearing states that an award is likely to be passed and compensation paid on the same day. It is a mere apprehension. When a claim is lodged for compensation or apportionment of compensation on the acquisition of lands, the Land Acquisition Officer is obliged to either himself decide any competing claims or to refer the matter to the Civil Court. As the competing claims to ownership and consequential compensation for lands acquired involves complex legal issues, it is normally safe and prudent for the Land Acquisition Officer to refer the claims to the Civil Court under Section 30 of the Act. Otherwise the competing claims will have to be adjudicated as a part of the award. Any failure by the Land Acquisition Officer to deal with competing claims to compensation from the persons claiming interest in the land in question would tantamount to negligence in the performance of statutory duties and would render such officer liable apart from the claimants having other remedies to pursue their claim against the State for payment of compensation for deprivation of their lands.

On the aforesaid analysis, the apprehension of the petitioners is premature. There are no merits. No relief

could be granted to the petitioners. As and when an award is passed and the petitioners aggrieved by the contents of the award, they are at liberty to seek appropriate relief before the appropriate forum.

The writ petition is accordingly dismissed. No costs.

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GODA RAGHURAM, J

Dated: 14-06-2007
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